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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,653	05/04/2001	Katsuakira Moriwake	450108-4484.1	9010
20999 7590 03/05/2009 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL.. NEW YORK, NY 10151				
EXAMINER MUHEBBULLAH, SAJEDA				
ART UNIT 2174		PAPER NUMBER		
MAIL DATE 03/05/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/849,653

**Applicant(s)**

MORIWAKE ET AL.

**Examiner**

SAJEDA MUHEBBULLAH

**Art Unit**

2174

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 143-148 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 143-148 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to RCE/Amendment filed 12/15/2009.
2. Claims 143-148 are pending in this application. Claims 143 and 146 are independent claims and have been amended.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 143-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. ("MacKay", US 5,148,154) in view of Takahashi et al. ("Takahashi" US 5,537,528) and Craven et al. ("Craven", US 5,649,171), and further in view of Schmitz et al. ("Schmitz", US 5,544,318).

As per claim 143, MacKay teaches an editing system for editing a plurality of clips, comprising:

editing means for editing said plurality of clips to produce a first edit resultant clip (col.4, lines 60-66), said first edit resultant clip comprising:

an edit module for edit processing said plurality of clips (col.4, lines 60-66);

a composite module for composite processing said plurality of clips (col.4, lines 60-66);

and

a special effect module for special effect processing said plurality of clips (col.4, lines 60-66);

wherein said editing means produces module identification information indicating the processing to be performed on said plurality of clips by said edit module, said composite module, and said special effect module in producing said edit resultant clip (col.11, lines 27-38); and

user interface means for displaying and controlling graphical user interfaces corresponding to processing performed by said edit module, said composite processing module, and said special effect module (col.13, lines 1-10).

However, MacKay does not teach link information indicating a tree structure for linking said plurality of clips in producing said first edit resultant clip and a clip tree window for graphically displaying on the same display said tree structure for said plurality of clips and a time line window for display and placement of clips to be edited on a time axis to designate the content of the first edit resultant clip; a first updating module to update the content of said first edit resultant clip; a writing module to overwrite content of said first edit resultant clip with content of a new edit resultant clip; a second updating module to update the content of resultant clips produced from said first edit resultant clip; and a storage module to store the overwritten content of said first edit resultant clip and said updated content of said resultant clips in the database, wherein the editing system assigns a clip name for each clip in said tree structure, the clip name comprised of an attribute indicating whether the clip is a material clip or a resultant clip and a clip identification code, wherein in the graphical user interface displays the clip name of the clip being edited by the edit module surrounded by a frame with a line bolder than a line of a frame surrounding a clip name of a clip that is not being edited by the edit module, and wherein the graphical user interface displays each edit resultant clip in the tree structure corresponding to

the clip being edited surrounded by a frame with a line bolder than the line of a frame surrounding an edit resultant clip not corresponding to the clip being edited.

Takahashi teaches an editing system for editing clips stored in a database (Takahashi, col.8, lines 38-42) that graphically represents the clips in a tree structure for linking the clips together and a time line window on the same display for editing clips (Takahashi, col.2, lines 6-67; Fig.16, col.14, lines 37-51; col.15, lines 47-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Takahashi's teaching with MacKay's system in order to provide access to clips for easier and faster editing.

Although Takahashi teaches a clip tree window (Fig.16), the system of MacKay and Takahashi does not explicitly teach a first updating module to update the content of said first edit resultant clip; a writing module to overwrite content of said first edit resultant clip with content of a new edit resultant clip; a second updating module to update the content of resultant clips produced from said first edit resultant clip; and a storage module to store the overwritten content of said first edit resultant clip and said updated content of said resultant clips in the database, wherein the editing system assigns a clip name for each clip in said tree structure, the clip name comprised of an attribute indicating whether the clip is a material clip or a resultant clip and a clip identification code, wherein the graphical user interface displays the clip name of the clip being edited by the edit module surrounded by a frame with a line bolder than a line of a frame surrounding a clip name of a clip that is not being edited by the edit module, and wherein the graphical user interface displays each edit resultant clip in the tree structure corresponding to the clip being edited surrounded by a frame with a line bolder than the line of a frame surrounding an edit resultant clip not corresponding to the clip being edited.

Craven teaches a system of displaying information in a hierarchical tree window a first updating module to update the content of said first edit resultant clip; a writing module to overwrite content of said first edit resultant clip with content of a new edit resultant clip; a second updating module to update the content of resultant clips produced from said first edit resultant clip; and a storage module to store the overwritten content of said first edit resultant clip and said updated content of said resultant clips in the database (Craven, col.7, line 60-col.8, line 7; col.17, lines 1-10; col.34, lines 46-57), wherein the system assigns the node names indicating the attribute type of information contained within the tree node along with an identification code (Craven, col.26, lines 52-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Craven's teaching with the system of MacKay and Takahashi in order for the user to identify and distinguish the clips from one another and be able to recover previous edits.

Furthermore, the system of MacKay, Takahashi, and Craven does not explicitly teach wherein in the graphical user interface displays the clip name of the clip being edited by the edit module surrounded by a frame with a line bolder than a line of a frame surrounding a clip name of a clip that is not being edited by the edit module and wherein the graphical user interface displays each edit resultant clip in the tree structure corresponding to the clip being edited surrounded by a frame with a line bolder than the line of a frame surrounding an edit resultant clip not corresponding to the clip being edited. Schmitz teaches a video editing system wherein frames being edited are displayed with a line bolder than the other frames (Schmitz, col.13, lines 7-12). It would have been obvious to one of ordinary skill in the art at the time of the invention

to include Schmitz's teaching with the system of MacKay, Takahashi, and Craven in order to readily determine which frames are currently being edited.

As per claim 144, Takahashi teaches an editing system wherein said module identification information and link information are stored in a clip database in which information relating to each of said plurality of clips is registered (Takahashi, col.8, lines 38-42).

As per claim 145, Takahashi teaches the current clip to be edited from said clip tree window to be graphically designated in said clip tree window (Fig.16, col.14, lines 37-51).

Independent claim 146 is similar in scope to independent claim 143, and is therefore rejected under similar rationale.

Claim 147 is similar in scope to claim 144, and is therefore rejected under similar rationale.

Claim 148 is similar in scope to claim 145, and is therefore rejected under similar rationale.

#### ***Response to Arguments***

5. Applicant's arguments with respect to Amendment filed 12/15/2008 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Communications***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124.

The fax number for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 [After Final Communication]

(571) 273-8300 [Official Communication]

(571) 273-8300 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah

Patent Examiner

Art Unit 2174

/S. M./

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178